

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 96-063

AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER NO. 91-079) FOR:

HENKEL CORPORATION  
PARKER AMCHEM

for the property located at  
37899 NILES BOULEVARD  
FREMONT  
ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Regional Board Order:** The Board adopted site cleanup requirements (Order No. 91-079) for this site on May 15, 1991.
2. **Reason for Amendment:** Task C.2.e of Order No. 91-079 required the discharger to submit by June 1, 1992, a technical report which evaluated the effectiveness of the interim free product and dissolved pollutants remediation, recommended the preferred final groundwater cleanup action based on a feasibility study of various cleanup alternatives, and specified a network of monitoring wells which would document the effectiveness of the preferred remediation at the site. The discharger submitted the required report on August 15, 1994. The delay of the report submittal was due to contention between the discharger and Board staff regarding (i) the existence of free product, (ii) the existence and the removal requirement of soil source to groundwater pollution, (iii) the nature and extent of the pollution in both soil and groundwater, and (iv) the sporadic detections of petroleum hydrocarbons in on- and off-site monitoring wells. The discharger submitted several reports in addition to those required by the Order to substantiate its argument that the petroleum hydrocarbons below the site were immobile, non-toxic, and caused no risk to human health. Although total consensus had not been reached between the discharger and Board staff, the discharger submitted its final groundwater cleanup plan/feasibility study to the Board. After Board staff's review and comments on the report, the discharger met with Board staff and the local agencies on January 31, 1995 in order to resolve the remaining issues. Based on that meeting, it was agreed that the proposed asphalt capping of part of the site for the prevention of further infiltration from aboveground surface waters would be an interim remedial measure. In conjunction with the Board's approval, the discharger agreed to continue its review of viable technologies pertinent to the site cleanup.

Additionally, the chlorinated herbicide pollution in groundwater was evaluated through quarterly monitoring since the adoption of the Order No. 91-079. The results of this quarterly monitoring indicate that no chlorinated herbicide is detected in groundwater below and in the vicinity of the site. Therefore, the groundwater cleanup with respect to herbicide is complete and neither further remedial actions nor monitoring is required for the previous herbicide discharges. The purpose of this amendment is to revise Task C.2.f. and the monitoring program

3. **Site Sensitivity:** Although the delay in the implementation of remediation has not allowed significant migration of pollutants, some concerns remain because of the location of the site near a groundwater recharge area and a municipal well field. Groundwater modeling conducted by Amchem's consultants and the logs from existing monitoring wells at the site support the conclusion of the existence of hydraulic connection between the shallow and deeper gravels from which the municipal supply is extracted. The groundwater level below the site fluctuates seasonally between 35 and 55 feet below ground surface. Due to the presence of the Hayward Fault on the east, and as a result of the recharge and discharge activities conducted by Alameda County Water District near the site, and the seasonal fluctuation of the groundwater level, Board staff considers, and the discharger has concurred, that the proposed remedial actions described in discharger's August 15, 1994 report is an interim remediation only.
4. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
5. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
6. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that Order No. 91-079 shall be amended as follows:

- A. The compliance date for Task C.2.f. is May 31, 1997 and Task C.2.f. is revised to read:

Submit a technical report acceptable to the Executive Officer documenting completion of the proposed asphalt capping. The implementation includes but is not limited to engineering designs, specification, permitting, construction, and site restoration. The report shall also include a proposed management plan to maintain the integrity of the

asphalt cap and, in case of material or structural deterioration, the required contingency procedures and time schedule for the restoration of the cap.

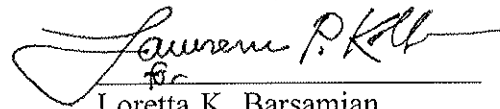
B. Task 3: Groundwater Monitoring Program is revised to read:

Quarterly monitoring of on- and off-site groundwater wells shall be continuously performed by the discharger as outlined in the Board's February 28, 1996 letter for at least two years. The groundwater monitoring program may be revised by the Executive Officer upon request of the discharger.

C. The discharger shall submit every five years a technical report acceptable to the Executive Officer documenting the results of the discharger's evaluation of new and relevant/potential remediation technologies that are pertinent to the in-situ cleanup of the site's petroleum hydrocarbons pollution and its soil source(s). Should the evaluation of new and relevant/potential remediation technologies identify a promising in-situ technology, the evaluation requirements shall include a bench scale study of that technology. This task will be required until either: (i) the soil source of pollution is eliminated, or (ii) the potential impact of groundwater quality due from the free product and residual soil concentrations is mitigated. The first report is due on May 15, 2001.

D. Should there be any land use changes or plan to demolish the existing on-site building in the future, the discharger shall notify the Board and any other involved regulatory agencies in advance. The discharger may then be required to conduct further investigation and cleanup of the subsurface pollution below the building.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 15, 1996.

  
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Loretta K. Barsamian  
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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